

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

THE RELIGIOUS SISTERS OF MERCY,  
*et al.*,

*Plaintiffs,*

v.

No. 3:16-cv-386

SYLVIA BURWELL, Secretary of the  
United States Department of Health  
and Human Services, *et al.*,

*Defendants.*

**DEFENDANTS' CONSENT MOTION  
FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

Defendants respectfully request that the Court grant Defendants an extension of their deadline to file an answer or other response to the complaint until 30 days after the Court rules on Plaintiffs' motion for preliminary injunction. Plaintiffs consent to Defendants' request.

Plaintiffs filed suit on November 7, 2016, *see* ECF No. 1, and filed a motion for preliminary injunction on November 17, 2016, *see* ECF Nos. 5, 6, which is now fully briefed, *see, e.g.*, ECF Nos. 10, 18. Defendants' present deadline to file an answer or other response to the complaint is January 9, 2017. Defendants respectfully submit that it would make the most efficient use of the parties' and the Court's resources if Defendants have sufficient opportunity to consider the Court's ruling on the pending preliminary injunction motion before filing an answer or other response to Plaintiffs' complaint. Accordingly, with Plaintiffs' consent, Defendants request an extension of their deadline to respond to the complaint until 30 days after the Court issues its ruling on Plaintiffs' preliminary injunction motion.

Dated: January 4, 2017

Respectfully Submitted,

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney  
General

JENNIFER D. RICKETTS  
Director, Federal Programs Branch

SHEILA M. LIEBER  
Deputy Director, Federal Programs Branch

/s/ Adam Grogg  
ADAM GROGG  
BAILEY W. HEAPS  
EMILY BROOKE NESTLER  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave. NW  
Washington, DC 20530  
phone: (202) 514-2395  
fax: (202) 616-8470  
email: adam.a.grogg@usdoj.gov

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2017, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam Grogg  
ADAM GROGG